IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 10810 of 2007(J)

PETITIONER:

HUTCHISON ESSAR CELLULAR LTD.,
ASHISH BUILDING, COCHIN-31, REPRESENTED BY ITS MANAGER LEGAL, RAJESH, MELETH VEETTIL,
AGED 36 YEARS, S/O.RAGHAVAN MELEHVEETTIL.

BY ADV. SRI.P.SATHISAN

RESPONDENTS:
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1. VILLAGE OFFICER,
KIZHAKKOTHU VILLAGE.

2. VILLAGE OFFICER, NADAKUTHAZHA,
PALLOLLEY PALAM.

3. REVENUE DIVISIONAL OFFICER,
KOZHIKODE.

4. VADAKARA MUNCIPALITY REPRESENTED BY
ITS SECRETARY, VADAKARA.

5. KIZHAKKOTH GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY.

6. SECRETARY, LOCAL ADMINISTRATION
DEPARTMENT, SECRETRIAT,
THIRUVANANTHAPURAM.

R1, R2, R3 & R6 BY GOVT. PLEADER SRI.T.B.REMANI
BY ADV. SRI.P.J.MATHEW
R4 BY ADV. SRI.R.SATISH KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No.10810 of 2007 J

Dated this the 3rd day of April, 2007.

JUDGMENT

A mobile telephone company has filed this writ petition seeking quashment of Ext.P5 stop memo and Ext.P6 prohibitory order issued by the Village Officer.

2. It is seen from Exts.P5 and P6 that they have been issued on the basis of the complaints submitted by the neighbouring public before the Revenue Divisional Officer, Kozhikode that the installation and energisation of the Mobile Tower which is proposed by the petitioner will cause serious health hazards because of the radiation emanating from the towers. Exts.P3 and P4 will show that the Local Authorities [Vatakara Municipal Council and

Kizhakkoth Grama Panchayat] have issued necessary permits to the petitioner company. The issue in this writ petition, in my opinion, is covered by the judgment of the Division Bench in **Reliance Infocom Ltd v. Chemanchery Grama Panchayat {2006(4) K.L.T. 695},** in which it is stated that the Atomic Energy Regulatory Board has submitted an affidavit before the Bombay High Court in a similar case and the stand taken by the Atomic Energy Regulatory Board is that the radiation emanated by the Mobile Telephone Towers is practically nil when compared with radiation from Radio Towers. The World Health Organisation also is of the same opinion. The Division Bench in **Reliance Infocom**'s case has actually took into account the affidavit

submitted by the Atomic Energy Regulatory Board.

3. I had occasion to read the report of the World Health Organisation in similar cases. It has, therefore, to be found that the apprehension of the local public that there will be serious health hazards on account of the installation and energisation of the B.T.S by the petitioner is irrational. Following the principles laid down by the Division Bench in **Reliance Infocom**'s case, this writ petition will stand allowed. Exts.P5 and P6 are quashed.

Sd/-

(PIUS C. KURIAKOSE)

JUDGE

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P.S. To Judge

PIUS C. KURIAKOSE, J.

W.P.(C) No.10810 of 2007 J

JUDGMENT

3rd March, 2007.